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March 14, 2000

VIA HAND DELIVERY

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W., Suite TW-A325
Washington, D.C. 20554

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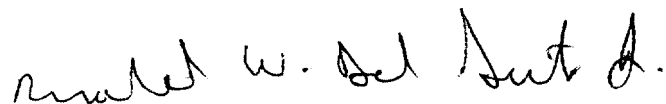
Re: File No. NSD-L-99-101; CC Docket 96-98 Comments of Level 3
Communications, Inc.

Dear Secretary Salas:

On behalf of Level 3 Communications, Inc. ("Level 3"), enclosed please find an original and four (4) copies of Level 3's comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrently with this filing, Level 3 is submitting two (2) copies of its comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Enclosure

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)	
)	
Petition of the Pennsylvania Public)	
Utility Commission for Delegated)	NSD File No. L-99-101
Authority to Implement Number)	
Conservation Measures)	
)	
Petition for Declaratory Ruling and)	
Request for Expedited Action on)	NSD File No. L-97-42
July 15, 1997 Order of the Pennsylvania)	
Public Utility Commission Regarding)	
Area Codes 412, 610, 215, and 717)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98
Act of 1996)	

COMMENTS OF
LEVEL 3 COMMUNICATIONS, LLC

Level 3 Communications, LLC ("Level 3"), submits these comments in response to the Common Carrier Bureau's Public Notice of February 14.¹ Level 3 is a communications and information services company and is building an advanced Internet Protocol technology-based network across the United States, that will connect 25 cities. As a facilities-based provider of local services, Level 3 depends upon adequate access to numbering resources to serve customers and expand the geographic scope of its operations.

Level 3 welcomes the initiative of the Pennsylvania Public Utility Commission ("PUC") to address the problems associated with NXX code shortages. The inability to obtain NXX codes and telephone numbers is one of the most significant, artificial barriers to market entry and expansion by new entrants. Level 3 expects that the Commission will grant delegated authority

¹ Common Carrier Bureau Seeks Comment on the Pennsylvania Public Utility Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-101, Public Notice, DA 00-281 (rel. Feb. 14, 2000).

to the PUC consistent with its prior orders delegating additional authority to implement number optimization measures to other state petitioners.² While Level 3 does not concur with the breadth of authority granted to the state commissions in those prior decisions – nor with the full scope of authority requested here – the arguments against certain aspects of the delegation of authority in those prior orders need not be repeated here.³ Rather, Level 3 devotes these comments to addressing aspects of the PUC’s request for authority that may go beyond that granted to other states in the prior orders. Specifically, the PUC’s proposals to expand the deployment of local number portability (“LNP”), implement unassigned number porting (“UNP”), and implement individual telephone number pooling (“ITN”) appear to be inconsistent with, and would go far beyond, this Commission’s prior rulings.

² See, e.g., *California Pub. Utils. Comm’n Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248 (rel. Sept. 15, 1999) (“*California Delegation Order*”); *Florida Pub. Service Comm’n Petition to Federal Communications Comm’n for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-249 (rel. Sept. 15, 1999) (“*Florida Delegation Order*”); *Massachusetts Dept. of Telecom. and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999); *New York State Dept. of Pub. Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247 (rel. Sept. 15, 1999) (“*New York Delegation Order*”); *Maine Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-260 (rel. Sept. 28, 1999); *Connecticut Dept. of Pub. Util. Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *New Hampshire Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Ohio Pub. Utils. Comm’n for Delegation of Additional Authority to Implement Number Conservation Measures* (rel. Nov. 30, 1999); *Petition of the Pub. Util. Comm’n of Texas for Expedited Decision for Authority to Implement Number Conservation Measure*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Pub. Service Comm’n of Wisconsin for Delegation of Additional Number Conservation Measures* (rel. Nov. 30, 1999).

³ Level 3 has commented on petitions filed in this docket by the following state commissions: Massachusetts (NSD File No. L-99-19), New York (NSD File No. L-99-21), Florida (NSD File No. L-99-35), California (NSD File No. L-98-136), Texas (NSD File No. L-99-55), Connecticut (NSD File No. L-99-62), New Hampshire (NSD File No. L-99-71), and Utah (NSD File No. L-99-89), and incorporates those comments herein to the extent applicable to the PUC’s request. At the very least, Level 3 requests that the Commission’s grant of authority to the PUC here be subject to the same conditions placed upon the grants of authority to other state commissions, and that the Commission clarify precisely the scope of authority delegated to the states. For example, it should be made crystal clear that a state is to plan only one pooling trial at a time (for a single MSA), that a “back-up” area code relief plan must be ready to go *immediately* if a state is going to explore pooling first, and that any reclamation of numbers in connection with (or in preparation for) a pooling plan must be done subject to the restrictions placed on the state’s ability to implement that pooling plan.

With respect to the first point, Level 3 observes that in the *New York Delegation Order*, the Commission conditioned the grant of pooling authority by stating that “[o]nly those carriers that have implemented LNP shall be subject to the trial [W]e do not grant the state commission the authority to require a carrier to acquire LNP solely for the purpose of being able to participate in a thousands-block pooling trial.”⁴ Again, if the Commission is going to delegate authority to the states to implement number pooling, it should do so on consistent terms and conditions. Granting authority over LNP deployment to the Pennsylvania PUC would contradict the terms of the *New York Delegation Order* and undermine the carefully designed number portability schedule first established by this Commission over three years ago. Accordingly, the PUC’s request for expanded authority with respect to LNP should be rejected.

With respect to UNP, Level 3 notes that the Commission has rejected similar requests in the context of other petitions for delegated authority. For example, in the *Florida Delegation Order*, the Commission found that unassigned number porting is in a developmental process and inappropriate for implementation at this time.⁵ Furthermore, this proposed number conservation mechanism is the subject of detailed consideration in a pending Commission rulemaking.⁶ Indeed, a 1998 Report of the North American Numbering Council (upon which the rulemaking was largely based) makes clear that the implementation of UNP at this point should be a federal question: “The provisioning methodologies, administrative procedures and interfaces used to support UNP shall be uniform nationwide.”⁷ Granting the requested relief to the PUC would violate this uniformity principle, and prejudice the careful consideration of UNP under way in the numbering administration rulemaking proceeding.

⁴ *New York Delegation Order*, at ¶ 15.

⁵ *Florida Delegation Order*, at ¶ 42.


⁶ *Numbering Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking (rel. June 2, 1999).

⁷ Number Resource Optimization Working Group, *Modified Report to the North American Numbering Council on Number Optimization Methods* (Oct. 20, 1998) at § 6.2.5.

Finally, Level 3 opposes the PUC's request for delegated authority to implement ITN arrangements. In the *California Delegation Order*, the Commission found that ITN was "at too early a state of development to order implementation."⁸ The PUC has provided no reason to depart from this finding. Rather, the PUC simply asserts that ITN is similar to UNP and a useful resource to have at its disposal.⁹ Until the Commission and the industry have come to resolution on the impact an ITN arrangement would have on carrier switching systems, the Commission should continue to deny state commission requests for authority to implement such arrangements.

For the reasons explained in its prior filings on various state commission petitions, Level 3 asks in the first instance that the Commission complete its own numbering administration rulemaking prior to delegating substantial additional authority to the states in this area. Recognizing, however, that several state commissions have already received additional numbering authority, Level 3 requests at a minimum that the Commission deny the request of the PUC to the extent it seeks authority beyond that delegated to the other state commissions. Specifically, in this case, the Commission should deny the PUC's request for authority to expand LNP deployment and to implement UNP and ITN arrangements.

Respectfully submitted,



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Dated: March 14, 2000

Counsel for Level 3 Communications, Inc.

⁸ *California Delegation Order*, at ¶ 24.

⁹ Pennsylvania PUC Petition, at 15.